

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

JOHNNIE THOMAS,	)	
	)	
Petitioner,	)	
	)	
vs.	)	No. 4:05-CV-418 (CEJ)
	)	
JAMES PURKETT,	)	
	)	
Respondent.	)	

**ORDER**

This habeas corpus action was referred to United States Magistrate Judge Audrey G. Fleissig, pursuant to 28 U.S.C. § 636(b), for a report and recommended disposition. On December 17, 2007, Judge Fleissig issued a Report and Recommendation, recommending that the petition of Johnnie Thomas for a writ of habeas corpus under 28 U.S.C. § 2254 be denied. No objections to the Magistrate Judge's Report and Recommendation were filed, and the time allowed for doing so has expired.


Accordingly,

**IT IS HEREBY ORDERED** that the Report and Recommendation of United States Magistrate Judge Audrey G. Fleissig [# 10] is sustained, adopted, and incorporated herein.

**IT IS FURTHER ORDERED** that the petition of Johnnie Thomas for a writ of habeas corpus [# 1] is **denied**.

**IT IS FURTHER ORDERED** that petitioner has failed to make a substantial showing of the denial of a constitutional right and the

Court will not issue a certificate of appealability. See Cox v. Norris, 133 F.3d 565, 569 (8th Cir. 1997).

  
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CAROL E. JACKSON  
UNITED STATES DISTRICT JUDGE

Dated this 23rd day of January, 2008.